



**International Convention on
the Elimination
of all Forms of
Racial Discrimination**

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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Fifty-eighth session

SUMMARY RECORD OF THE 1451st MEETING

Held at the Palais Wilson, Geneva,
on Wednesday, 14 March 2001, at 3 p.m.

Chairman: Mr. SHERIFIS

later: Mr. FALL
(Vice-Chairman)

later: Mr. SHERIFIS
(Chairman)

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GE.01-41008 (E)

The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY
STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 6) (continued)

Ninth, tenth and eleventh periodic reports of the Sudan

(CERD/C/334/Add.2 and HRI/CORE/1/Add.99/Rev.1)

1. At the invitation of the Chairman, Mr. Ibrahim, Mr. Siddig, Mr. Abdalla, Mr. Abdul Rahman and Mr. Leonardo took places at the Committee table.

2. Mr. IBRAHIM (Sudan) said that the elimination of racial discrimination called for constant vigilance, action and cooperation by all nations, organizations and individuals, through a comprehensive approach encompassing appropriate legislative and educational measures. Exchanges of experience were essential to ensure that one nation could learn from another's mistakes. When he had taken office as Permanent Representative to the United Nations at Geneva in 1997, he had acknowledged the existence of human rights violations in the Sudan and stressed his commitment to seeking international assistance in resolving them. As of then the Government of the Sudan had entered into a new era of dialogue and cooperation, culminating in the adoption, with support *inter alia* from the European Union, of Commission on Human Rights resolution 1999/15, which had focused on some of the positive developments in Sudan, including the new Constitution of 1998, while expressing concern about the situation of internally displaced people on account of the civil war. At its fifty-sixth session the Commission on Human Rights had adopted a resolution along similar lines.

3. Observing that the new United States Government had recently announced that high priority would be given to the restoration of peace in the Sudan, he said that the Sudanese Government looked forward to a positive dialogue with the international community, in a serious effort to settle the civil war, which had harmed the country's image and population and the region as a whole. It was generally recognized that the isolation of the Sudan in the past had not been conducive to a peaceful settlement of the conflict. It was to be hoped that the re-establishment of dialogue with the rebel forces would result in the fulfilment of the 1997 Peace Agreement, thereby offering the people of southern Sudan the opportunity to decide on the right to self-determination, four years after the ceasefire. Irrespective of whether they decided to remain part of the federal system or become a separate State, peace was the paramount consideration.

4. Mr. SIDDIG (Sudan) said that the new Constitution currently in force, adopted by Parliament and by public referendum in 1998, provided for the respect and enjoyment of human rights by all people in the Sudan, without discrimination on grounds of race, ethnic origin, religion or language. Such rights were protected by the new Constitutional Court and could not be derogated from even during a state of emergency. Sudan was party to the Vienna Convention on the Law of Treaties and international human rights instruments accordingly took precedence over domestic law in the event of conflict.

5. The Government had used education as a means of creating a society free of racial prejudices. Most intermediate and secondary schools were boarding schools, where students from different parts of the country lived together and learned to understand one another's culture and way of life. Educational provision had expanded, and 26 new universities had been opened in the previous 12 years. Students from underdeveloped states given preference in enrolment.
6. To encourage social and ethnic integration between different tribes, the Government had successfully implemented a strategic housing plan enabling inhabitants from different parts of the country to live together in residential areas. Major agricultural and industrial projects had also helped to enhance social homogeneity. Public services including health and education were provided to all people on an equal basis without discrimination. The right to work was guaranteed according to qualifications. The poor and underprivileged were catered for by the Zakat (almsgiving) fund, whereunder the rich voluntarily contributed 2.5 per cent of their annual income which was then distributed equitably to the needy through its regional offices.
7. In order to preserve the ethnic, religious, cultural and linguistic characteristics of different groups in the Sudan, a federal system of government had been introduced in 1995, dividing the country into 26 states. There was a general misconception about the situation in the Sudan in general and about southern Sudan in particular, perpetuated by the international media, which portrayed the country as divided into the Arab-Muslim north and the African-Christian and animist south. Arab traders and shepherds had come to the present-day Sudan at the end of the seventh century and had intermingled with local tribes. The term "Sudan" was the Arabic word for blacks. In terms of race, the most accurate description for the current population of the Sudan was Arabized Africans.
8. According to the 1993 census 75 per cent of the population lived in northern Sudan, where 95 per cent of the inhabitants were Muslim (Sunni). Nineteen per cent of the inhabitants of southern Sudan were Muslims, 17 per cent were Christians and the remainder followed traditional animist religions. Christians therefore accounted for between 5 and 6 per cent of the overall population. There were around 572 tribes with more than 120 distinct languages in the Sudan. Arabic was the lingua franca for most of the population, and for official and commercial purposes.
9. Six of the Sudan's nine neighbouring countries had experienced armed conflicts. The armed conflict which had started in 1983 led by the Sudan People's Liberation Army Movement (SPLA/M), continued despite the Government's efforts to bring about a lasting political settlement. The conflict had disrupted the traditional way of life in the southern states, and traditional chiefs and elders had fled. The situation had been compounded by illicit trafficking of firearms from neighbouring countries. Another serious repercussion of the war was the rise in the abduction of women and children between the tribes of southern Sudan, and between them and neighbouring tribes in the border area between the southern states and southern Kordofan and Darfur. It was a fairly common practice in Africa, especially in times of war. In the past the tribal chiefs had acted as mediators to release those abducted. That no longer being possible, the Government had established the Committee on Elimination of Abduction of Women and Children (CEAWC), which had been instrumental in identifying hundreds of the abducted and reuniting them with their families.

10. Reciprocal abduction between southern tribes was very common. SPLA/M was largely responsible for abduction in the border areas between the north and south of the country as well as for perpetuating the reciprocal abduction of women and children between the Messeiriyya and the Dinka tribes. The Government was determined to eliminate the problem of abduction, despite the practical difficulties it faced: the vastness and remoteness of the area involved; its inaccessibility during the rainy season; the fact that SPLA/M led the guerrilla warfare there. It was trying to tackle the problem through education and information campaigns, including radio and television programmes targeted at particular areas.

11. There had been awareness about gender-related issues in the Sudan since its independence in 1956. Women were active in all walks of life, including more recently in conflict resolution. According to the 1993 census 26.5 per cent of the workforce was female and women's representation in Parliament varied from 6.5 to 11 per cent. Women dominated small-scale farming and production, and were accorded loans to finance such activities by the Sudanese Savings Bank for Social Development, which had 31 branches throughout the country. Basic education was compulsory and free of charge and special attention was paid to girl children and displaced children. Between 1989 and 1999 the intake of girls in basic education had increased by 95.5 per cent. About 70 per cent of basic education teachers were women. Three State bodies - the Department of Women Affairs and the Ministry of Social Planning, the National Council for Child Welfare and the Adviser to the President on Women and Child Affairs - had been established. Around 80 per cent of Sudanese women had access to primary health care, and the use of contraceptives had increased from 9.9 per cent in 1990 to 15 per cent in 1999. Rural training projects, including training for midwives, were organized with the assistance of international organizations.

12. In conclusion, he said the new Constitution acknowledged that the country was multilingual, multireligious and multicultural. That did entail certain problems but the Government was working to resolve them. The Committee's advice and recommendations were therefore necessary and would be carefully followed up.

13. Ms. JANUARY BARDILL (Country Rapporteur) welcomed the delegation's constructive approach to its dialogue with the Committee and recognition of the violations committed. It was virtually impossible to separate questions of ethnicity from the other problems affecting the Sudan. The delay in submitting the periodic reports having been justified by the lack of qualified personnel, she drew attention to the Committee's General Recommendation X concerning technical assistance. While she welcomed the detailed information provided in the periodic report, some reference should have been made to the concerns expressed by the Committee in connection with Sudan's eighth periodic report. They related to the continuing conflict, despite the ceasefire, the abduction of thousands of people, mostly women and children, and the need for specific measures to protect internally displaced communities, in compliance with the Guiding Principles on Internal Displacement prepared by the Special Representative of the Secretary-General on internally displaced persons.

14. With respect to article 1 of the Convention, the report failed to provide precise demographic data to illustrate the multiracial, multireligious and multicultural nature of society.

Such data not only served to provide an accurate picture of the different social and ethnic groups, but would also be found useful by the Government in planning corrective action or developing programmes for groups requiring special protection or attention.

15. Positive aspects with respect to article 2 of the Convention included the enshrinement of the principle of non-discrimination in the new Constitution (art. 21), the recognition of Sudan's cultural diversity by that instrument and in the Khartoum Peace Agreement, the adoption of a common-law system under which treaty provisions became a part of domestic law and the proposed amendment of the Criminal Act of 1991 in order to make racial discrimination an offence. Nevertheless, notwithstanding those apparent safeguards, persistent human rights violations were reported by various international bodies. She would welcome more information on that matter and also on why, despite the 1997 Peace Agreement, the civil war continued. The complex nature of the conflict suggested that it could not simply be reduced to racial, ethnic and religious categories within the context of obligations under the Convention. The perception that it was between the Islamic-Arab North and the African Christian animist South persisted.

16. In his report to the fifty-sixth session of the Commission on Human Rights, the Special Rapporteur on the situation of human rights in the Sudan had expressed shock at the disregard of international humanitarian standards by both warring parties, which inflicted unlimited suffering and injustice on the civilian population, and had condemned the indiscriminate bombing of civilians in the Nuba Mountains and the Upper Nile Zone and the forced displacement of civilians to allow the military to take control of the oil industry operations. To what extent had the discovery of oil in the Upper Nile Zone escalated the conflict? He had also condemned the reluctance to take action against the reportedly continuing raids against civilians, especially in Bahr-el-Ghazal, in which women and children were regularly abducted for forced labour. She sought the delegation's comments on the fact that, despite the creation of CEAWC, the "murahelleen" allegedly continued to raid certain parts of the country, resulting in civilian deaths and abductions, and on the allegations that the oil issue in the Western Upper Nile lay at the heart of the conflict and had exacerbated the war. Such acts amounted to gross human rights violations that transcended ethnic and religious discrimination. The ethnic dimensions were doubtless an offshoot of the political process and should therefore be monitored. There were numerous other allegations of human rights abuses reported by Amnesty International - the point was that minority groups were caught in the crossfire, although they might not have been specifically targeted.

17. Regarding article 4 of the Convention, some government officials were alleged to have resorted to hate speech promoting the war as a jihad. The recruitment of young boys by government and SPLA/M forces alike had also been condemned. She wondered to what extent religious orthodoxy was used to divide and rule. She would welcome the delegation's comments on allegations of religion-based discrimination, such as harassment of Christians, the designation of conversion from Islam as a capital crime, the burning of Christian material, and the army's recent occupation of a Catholic printing press.

18. Concerning article 5, the Committee appreciated the Sudanese Government's increasing cooperation with international, regional and local human rights organizations in fulfilment of its obligation to promote understanding of human rights. While the Constitution was a key instrument that protected the rights of all Sudanese citizens, the Committee was concerned about

allegations of discriminatory treatment before the courts and other law and order organs. Four leaders of the Ansar Order of Islam had reportedly been arrested for protesting against the detention of Ansar leaders. Also, Catholic priests who had been tortured following a charge of planting time bombs in Khartoum in 1999 had been denied pre-trial access to their lawyers and had no possibility of appeal. The dearth of official inquiries into such atrocities was an indictment of the authorities' reluctance to use legal instruments for that purpose. The Committee was also disturbed by the law governing nationality, which made it possible for a child born of non-Sudanese parents to be stateless. Non-compliance with articles 5 and 6 of the Convention prompted the Committee to conclude that the rights of all minority ethnic, cultural and religious groups were not protected. The real test was not the existence of constitutional provisions but the degree to which people considered that their rights were protected.

19. There was scant evidence of education in the values of ethnic, cultural and religious tolerance. Admittedly, a state of war was not conducive to education, but the Committee needed to know to what extent education was geared towards creating social harmony. On the subject of asylum-seekers and refugees, the Sudan's "first-country-of-asylum" policy was in breach of article 2 (1) (a) of the Convention in that it excluded certain groups on the basis of national origin. The same was true of the Sudan's reported refusal to grant asylum to Chadian nationals, if that was indeed the case, although they were covered by the aforementioned policy. She also sought the delegation's comments on the argument that the Government's refusal to grant Arab nationals asylum status led, albeit inadvertently, to denial of potential rights and protection against extradition.

20. In conclusion, she welcomed the peace initiatives taken, the State party's gestures in favour of self-determination for the south of the country, the new Constitution and its related instruments, and the Government's admission that certain violations needed to be addressed. Yet the Committee was concerned at the many remaining challenges, which ultimately concerned human lives. If major improvements were not forthcoming, all of humanity would eventually be forced to admit that it had stood idly by while the Sudanese suffered. She offered her comments in a spirit of Africanism and respect for human rights and expressed the hope that, through cooperation, solutions to the country's problems would be found.

21. Mr. ABOUL-NASR, speaking on a point of order, reminded members that the Committee had earlier decided that members must furnish the source of any accusations or negative information relating to States parties. While not calling the credibility of such information into question, as an African he was sensitive to the frequently heard accusations of things Arab or Muslim.

22. Mr. FALL, speaking on a point of order, said that that issue should be discussed in a closed meeting and not only in the context of the Sudan's report.

23. The CHAIRMAN, agreed that that topic should be discussed subsequently and not in the time allotted for discussion of the Sudan's report.

24. Ms. McDOUGALL endorsed the Country Rapporteur's analysis. She welcomed the enactment of the new Constitution and its important anti-discrimination provisions. It would be interesting to know more about the actual implementation of the legal framework and its impact

on people's lives. Also, whereas it had been stated in the report that 96 per cent of eligible voters had participated in the referendum on the Constitution, it was important to know whether it had been held in all regions, including those affected by armed conflict.

25. While her comments might appear superficially to deal largely with religious freedom, she pointed out religion and ethnicity often overlapped in the Sudan. Although there were often misperceptions about societies, the war appeared to be racially inspired. Her sources, mainly the report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Sudan and the annual reports of the United States Department of State and Human Rights Watch, implied that the military operations in the south had racial overtones, as did the clearing of areas adjoining oilfields and inhabited by minority groups, causing as they did mass forced displacement, in which well-substantiated reports had implicated the Government. The target of one such operation was Rueng county, which had seen its population reduced by 60 per cent, with loss of lives, destruction of churches and homes and replacement of the names of some local villages by Arabic ones.

26. Could the delegation provide an example of a manifestation of religious conversion that adversely affected public safety under the Criminal Act, as stated in paragraph 107 of the report, and say whether that applied to conversion from religions other than Islam? There had also been reports of local officials harassing Christians and destroying their churches. She would like to know how many churches had been destroyed in military operations and as a result of clearing land for oil prospecting. What proportion of the 800 schools built between 1989 and 1997 had been constructed in the various regions? Also, what percentage of students attending those schools identified themselves as Arab or Muslim and how many identified themselves otherwise?

27. In closing, she welcomed the incorporation in essence of the 1997 Khartoum Peace Agreement into the Constitution, guaranteeing equal participation of the various ethnic groups in government institutions. She would like to know what percentage of the different groups was represented in the Council of Ministers, the Federal Legislative Assembly, the Supreme Court and the National Elections Commission.

28. Mr. FALL said that, in view of the Sudan's special cultural, ethnic and religious situation, it would be interesting to know the breakdown of ethnic groups in the country and to see statistics on the representation of the various groups in the public administration. He also wished to know what follow-up had been given to the statement made to the Committee in 1999 by the then representative of the Sudan that the State party recognized the right of the people in the south of the country to self-determination, as recorded in the Committee's decision 5 (54), paragraph 10, on the Sudan. Also, what measures were in place to promote native languages other than Arabic? He would be grateful for information concerning the composition and activities of the legislative organs, referred to in paragraph 48 (e) of the report, established to monitor performance of the executive authority of the federal and State human rights committees, and also concerning the number of cases brought before the courts and the rulings handed down.

29. Mr. Fall, Vice-Chairman, took the Chair.

30. Mr. VALENCIA RODRIGUEZ said that the report provided an interesting update on legislation to eliminate all forms of racism, including the 1998 Constitution. He noted the Sudan's particular demographic and geographical features and the multiracial, multi-ethnic and multireligious character of Sudanese society. He asked whether the human rights safeguards listed in paragraph 48 of the report had been invoked in cases involving racial or ethnic discrimination and, if so, in what manner. While all Sudanese could seek redress in the courts if they considered their human rights to have been violated by senior officials or by the public administration, what action could be taken against a discriminatory act committed by a private individual?

31. Turning to article 5 of the Convention, he asked how the legislation protecting civil and political rights and economic, social and cultural rights was actually enforced and with what results. Personal matters were understandably governed by two different laws for Muslims and non-Muslims, but he recommended that the Government might consider unifying them to ensure that all inhabitants were subject to a single body of laws, thus avoiding the possibility of different treatment. On the assumption that the Independent Press Council was not a press control or censure body, it would be interesting to learn what its functions were and whether it had ever intervened in a case of racial discrimination. Turning to paragraph 124 of the report, he asked whether the Political Associations Act prohibited organizations that promoted racial hatred, disseminated theories of racial superiority or incited tribal or ethnic discord.

32. Noting the importance attached to education, which he endorsed, he inquired whether courses were offered on the objectives of the Convention and, if so, what the results had been. According to paragraph 195, the Arabic language was the only medium of communication between the different racial groups. He gathered that that was due to the many languages and dialects spoken in the Sudan. Were members of tribes and other ethnic groups allowed to speak their own languages, and were those languages taught at the schools in areas where those persons lived?

33. Referring to paragraph 197 of the report, he asked whether the obligations stemming from the Convention took precedence over obligations under national law. He was pleased to note that the Criminal Act was to be amended to include a definition of racial discrimination which for the most part fulfilled the requirements under the Convention, and asked whether the amendment had been approved in the National Assembly. Clearly, one of the Sudan's most serious problems was that of internally displaced persons. The Sudanese Government must address that problem through not only national measures but also international cooperation.

34. He appreciated the information provided in the report on allegations of slavery and took note that a number of persons who had visited the country had found that there was no basis for such assertions. But a number of non-governmental organizations (NGOs), including Christian Solidarity Worldwide, maintained that slavery persisted. Reports on the abduction of women and children in the context of armed conflicts between ethnic groups (para. 225) gave cause for concern, and the Sudanese Government must intensify its efforts to prevent such practices. The proposals made by the Committee for the Eradication of Abduction of Women and Children (CEAWC) to combat that phenomenon (para. 245) called for a concerted political effort at national level and international cooperation.

35. Mr. de GOUTTES drew attention to the Committee's decision 5 (54) on the Sudan taken in March 1999 under its early warning and urgent action procedures. He was pleased to learn from the eleventh periodic report that the principle of non-discrimination had been incorporated into the Sudanese Constitution and that the Sudan had amended its penal legislation in 1998 to bring it into conformity with the Convention by inserting a provision punishing incitement to racial discrimination and racist acts; the provision of assistance to racist activities and the financing thereof. How was it planned to implement that new legislation? He was also pleased to learn that any treaty to which the Sudan was a party became part of domestic law and acquired the same force as national legislation (para. 197). Did the Convention take precedence over the Constitution and national legislation? Could it be invoked in court?

36. Turning to subjects of concern, he said that they were basically the same as those expressed in decision 5 (54), which had referred to summary executions, malicious destruction of civilian property, the diversion of relief supplies, the forcible recruitment of child soldiers, bombardment of non-military targets and the enslavement of women and children abducted by armed militias, especially in southern Sudan and in Darfur. Although paragraphs 204 *et seq.* addressed those problems, the report attributed responsibility to the rebel forces of the SPLA/M and refuted the allegations of cases of enslavement in the Sudan, saying that such claims were the work of anti-Sudanese and anti-Islamic propaganda (para. 222). Yet the continuing violations of human rights had been confirmed by many sources, including the United Nations Special Rapporteur, NGO Christian Solidarity Worldwide and Amnesty International. According to Amnesty International figures, nearly 4.5 million persons had been displaced internally and more than 350,000 Sudanese had fled the country; more than 2 million persons had been displaced by the war in the south and were living in camps around Khartoum. The Amnesty International report also stated that the authorities had given speeches inciting hatred and calling for a holy war. Could the Sudanese delegation comment on those allegations?

37. What measures did the Sudanese Government contemplate to ensure that legislation on the right to asylum was applied to all persons, irrespective of national origin, and not just nationals of neighbouring countries? What measures were taken to protect Ethiopian refugees in northern Sudan, prevent abductions of women and children between tribes and facilitate the return of abducted persons? Would legislation be amended to prohibit the practice of slavery? What was planned to open all areas of the country to humanitarian assistance and NGOs so as to prevent further famine and protect the population from displacements associated with oil production? To what extent did the local population benefit from the profits derived from oil production in its own region?

38. Mr. TANG Chengyuan said that the periodic report had acknowledged existing problems and proposed solutions. He had read the report by Christian Solidarity Worldwide, which had cited serious cases of abductions of women and children. However, the periodic report asserted that such abductions were primarily the work of tribal militias, abductions having been common in disputes over water for centuries. Hence, the present situation reflected a long-standing historical practice. The periodic report stated that, in order to fight the SPLA/M, the former Government had set up armed tribal militias, which had been active in illegal activities in the name of the Government. The Sudanese delegation had further clarified the question. The NGOs maintained that the militias were supported by the present Government, but the country report explained that they had been backed by the former Government, whereas the present

Government was working to bring those groups under control. Paragraph 234 stressed that the militias would be absorbed into the Popular Defence Forces. Thus, the Government had adopted a proactive attitude to addressing the problem.

39. Were penal procedures contemplated to deal with cases of persons who had abducted women and children in the past? Had measures been adopted to ensure that the militias would not cause any more trouble in the future? Had all the women and children been returned home? Had they received any compensation?

40. Mr. DIACONU said that for the Sudan, a country with so many ethnic groups and languages, implementation of the Convention was particularly important. Referring first to paragraph 28, he asked how competence was distributed between the federal government and the states in the area of human rights, in particular with regard to the police, the investigating authorities and the courts. He was pleased that the inhabitants of southern Sudan were permitted to be active in federal institutions, that the principle of non-discrimination could not be suspended, even in an emergency, and that a dispute body had been created for challenging administrative acts in court. He welcomed the intention to hold a referendum (para.29) which he hoped would help resolve some of the Sudan's current problems.

41. He disagreed with Sudan's interpretation of the Vienna Convention on the Law of Treaties as giving obligations arising from international agreements precedence over other obligations arising from national laws (para. 197). That Convention merely required States to implement conventions and provided that a State could not invoke national legislation to avoid implementing a convention.

42. He asked whether the 1998 draft Criminal (Amendment) Act referred to in paragraph 197 had yet to be adopted. He noted that, although a large part of the definition had been taken from the Convention, it failed to say that any distinction based on race constituted a violation of law. The reference to the dissemination of ideas based on racial discrimination quoted at the end of that amendment had nothing to do with the actual definition of that offence and should have been placed in the part of the report concerning compliance with article 4 of the Convention. Most of article 4 was covered, apart from its requirement in subparagraph (b) to prohibit organizations that promoted racial discrimination.

43. The Sudanese Government must direct the bulk of its efforts towards putting a halt to the abduction of women and children. He had read the explanation that the abductions had to do with conflicts between tribes in search of pasture and water and that such practices had been going on for centuries, but pointed out that there were good traditions and bad ones. If a tradition violated human rights, it must be stopped. Had those responsible for the attack in 1987 on the Rizeigat, the killings of Dinka at El Dein and the abduction of more than 5,000 Dinka children (para. 231) been brought to justice? That would be a case for the International Criminal Court.

44. He noted that displacements in connection with oil production mainly affected minority groups. In other States, such persons were paid compensation for the expropriation of their property and were given housing. Did Western oil companies take part in the displacement of minorities? If so, they must also be held accountable.

45. Mr. SHAHI said that human rights were the first casualty of armed conflicts. He was particularly concerned about the abduction of women and children, a situation he had witnessed in his own country. Although it might be an old practice, it was the Sudanese Government's responsibility to put an end to such abuses.

46. It was encouraging that the Government had responded favourably to the offer by the United States Secretary of State to promote the peace process and had acknowledged that the Sudan was a multilingual, multicultural and multireligious country. The most important development had been the decision to give self-determination to the people of southern Sudan.

47. Mr. THORNBERRY asked whether training was offered for the police and military in remote areas to make it clear that slavery and abduction were punishable crimes.

48. The periodic report had made a number of references to the Sudan's great ethnic diversity. Was that a source of pride, or was it regarded as a matter of concern? Would the Sudanese Government accept independent investigations of the persistent allegations of slavery? What assistance was given to persons displaced in connection with oil production?

49. Mr. Sherifis resumed the Chair.

50. Mr. YUTZIS said that freedom of religion was a subject which fell within the Committee's competence whenever an ethnic group was involved. Referring to paragraph 101, he asked whether the right to manifest one's religion or creed by way of rites or ceremonies transcended the private sphere. Could persons of any ethnic group or religion hold public processions, publish articles in the press, publish and circulate material publicly and make public announcements? He welcomed the statement in paragraph 106 and inquired which ethnic groups and religions were represented in public office at national level, for example as ministers and judges, and what percentages were involved.

51. According to paragraph 118 of the report, the Press and Publication Act prohibited the exposure of journalists to "illegitimate pressure", the implication being that pressure could be lawful under some circumstances. Was there a code of procedure governing such action and what exactly was meant by illegitimate pressure?

52. The Sudanese authorities acknowledged that children were abducted by ethnic groups who were acting in accordance with age-old traditions. He agreed with other members of the Committee that the State should try to put an end to such invidious customs. At the same time, he was concerned at the number of allegations from a variety of sources to the effect that public officials had been involved in the abductions. The Committee would welcome a detailed response to those allegations.

53. The delegation of the Sudan withdrew.

THIRD DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION; THIRD WORLD CONFERENCE AGAINST RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE (agenda item 11) (continued)
(Draft declaration and programme of action of the World Conference, as amended by the Committee on the Elimination of Racial Discrimination; document without a symbol in English only)

54. The CHAIRMAN invited Committee members to comment on the amendments to the draft declaration and programme of action of the World Conference proposed by the contact group.

55. Mr. ABOUL-NASR proposed that the Committee should suggest to the Conference that it recommend to the States parties to the Convention that they amend the first sentence of article 9, paragraph 2, of the Convention to read:

“The Committee shall report annually, through the Secretary-General, to the General Assembly of the United Nations on its activities and may make suggestions and general recommendations based on the examination of the reports and information received from the States parties and non-governmental organizations.”

The proposed amendment consisted in inserting the words “and non-governmental organizations” at the end of the sentence to reflect the Committee’s current practice.

56. Mr. BOSSUYT said he was unable to support the proposal because it placed States parties and NGOs on an equal footing. Moreover, it did not reflect current practice. The State party’s report was translated into all the Committee’s working languages and widely circulated. The experts were free to examine the report in the light of material they had received from other sources and to base their questions to the State party on their overall assessment. If NGO material was given official status, the Committee would probably be inundated with documents and requests for translation and distribution.

57. Mr. FALL, endorsing Mr. Bossuyt’s argument, stressed that it was for the State parties themselves to propose amendments to the Convention under article 23. He urged Mr. Aboul-Nasr to withdraw his proposal.

58. Ms. JANUARY-BARDILL said that the word “examination” in article 9 was applicable only to reports and information received from States parties and could not be applied to NGO material.

59. Mr. DIACONU said he viewed Mr. Aboul-Nasr’s proposal as a protest against the Committee’s practice of taking NGO material into account in its consideration of reports.

60. Mr. ABOUL-NASR requested a roll-call vote.

61. Mr. de GOUTTES, supported by Mr. YUTZIS, said that such a far-reaching proposal should not be put to the vote until Committee members had explored its implications. He appealed to Mr. Aboul-Nasr to withdraw his request.

62. Mr. ABOUL-NASR agreed. He suggested that the Committee should revert to the matter at a later date.
63. It was so decided.
64. Mr. DIACONU said he did not agree with the proposed addition to paragraph 20 (b) to the effect that the Committee should be encouraged to refine the criteria for early warning and perhaps even develop a set of indicators and benchmarks. The Committee did not require the Conference's permission or approval for the refinement of its early warning criteria. It should focus on obtaining a consensus within the Committee on the development of appropriate indicators and benchmarks.
65. Mr. PILLAI observed that the same point was made at greater length in proposed new paragraph 112, which began with the words: "CERD should be empowered to intensify its focus on early warning and urgent action measures."
66. Mr. ABOUL-NASR said that the Conference was unlikely to adopt wording such as "CERD should be empowered" (para. 112).
67. Mr. BOSSUYT, supported by Mr. YUTZIS, said that, if the idea set forth in paragraph 112 called for an amendment to the Convention, the reservations expressed regarding Mr. Aboul-Nasr's earlier proposals would be applicable. If it did not require an amendment, the Committee had in any case no need to seek counsel from the Conference. The opening words of both the proposed addition to paragraph 20 (b) and proposed new paragraph 112 could perhaps be amended to read "The Conference encourages the Committee".
68. Mr. de GOUTTES said that, whatever decision was taken concerning the wording of the two paragraphs, the references to the early warning and urgent action procedure should not be deleted. The originality of the procedure, which had secured the support of the United Nations General Assembly, should be stressed.
69. Mr. DIACONU said that he opposed the contact group's proposed insertion of paragraph 20 (c) encouraging States parties to consider the use of article 11 of the Convention in cases of serious violations of the Convention that might degenerate into ethnic conflict. Article 11 had never been invoked by States parties because it was an inappropriate procedure for addressing human rights issues. There were alternative channels for settling disputes between States.
70. Mr. RECHETOV warned against giving participants in the Conference the impression that the Committee was taking liberties with the Convention. He proposed ending proposed paragraph 20 (c) with the words "article 11 of the Convention".
71. Mr. DIACONU said he continued to oppose any reference to article 11 of the Convention which, in his view, served no useful purpose.
72. The CHAIRMAN contended that article 11 was part and parcel of the Convention. He supported Mr. Rechetov's proposal.

73. Mr. DIACONU, turning to paragraph 84, proposed inserting a reference to the Committee's General Recommendation XXVII on discrimination against Roma since the paragraph, as it stood, referred only to recommendations by the Organization for Security and Cooperation in Europe and the Council of Europe.

74. It was so decided.

75. The CHAIRMAN suggested that the Committee should continue its discussion on the proposed amendments to the draft declaration and programme of action at an informal meeting.

76. It was so decided.

The meeting rose at 6.15 p.m.